

BILL SHUSTER
9TH DISTRICT, PENNSYLVANIA

DEPUTY REPUBLICAN WHIP

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Congress of the United States
House of Representatives
Washington, DC 20515-3809

May 6, 2010

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Shawn M. Garvin
Regional Administrator
Mid Atlantic Region
US Environmental Protection Agency
1650 Arch Street
Philadelphia, PA 19103

Dear Mr. Garvin:

I am contacting you regarding an important issue affecting a local manufacturer in my Congressional district, D.L. Martin Co. I have been made aware that D.L. Martin has been fined \$96,000 by the EPA for the company's voluntary disclosure of potential violations of the Emergency Planning and Community Right-to-Know Act (EPCRA) at the company's facility in Mercersburg, Pennsylvania.

It is my understanding that in the pursuit of an ISO 14001 environmental certification, D.L. Martin hired a consultant, American Westech, to ensure they were in compliance with EPA standards. In working through the process, Westech and D.L. Martin had several questions regarding EPA's self disclosure requirements and reached out to Craig Yussen from the Philadelphia office (US EPA, Region III, Land & Chemicals Division), who assisted in the matter. D.L. Martin came across several reporting oversights through this process, and worked with Mr. Yussen and EPA to correct them. D.L. Martin received a violation letter from EPA on March 22, 2010, alleging violations to the self-disclosure policy due to several reporting mistakes that were corrected as a result of the company's work with Mr. Yussen. At this point D.L. Martin has been fined in excess of \$96,000 for the alleged violations.

I am surprised and concerned that a company attempting in good faith to come into compliance with the EPA and voluntarily disclosing any potential violations in an attempt to correct them would be subject to such a harsh fine. A company that is proactive in doing the right thing and operating in an environmentally safe way should not be so severely punished for their efforts. This kind of standard by the EPA will only serve to discourage other companies from making efforts to disclose and correct potential violations of their own.

With the economy struggling, a \$96,000 fine on a company that acted on good faith in attempt to work with the EPA, and which employs 132 people full time, is severe and could have a detrimental effect on jobs. The large fine could force D.L. Martin to lay off workers to recuperate the cost. Due to the risk of job loss in an area hit hard by the recession, and the fact that D.L. Martin has come into compliance with the EPA standards, I ask you to work with the company to come to a more reasonable resolution. The government should not punish

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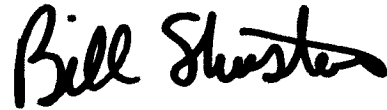
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businesses that act in a responsible manner with staggering fines that cost jobs and further diminish the local economy.

I look forward to hearing from you on this matter, and should you need to discuss this issue further with my office, please feel free to contact my Legislative Assistant, Jamie Boone, at 202-225-2431 or Jamie.boone@mail.house.gov. Thank you for your assistance and I look forward to your reply.

Sincerely,

A handwritten signature in black ink that reads "Bill Shuster". The signature is written in a cursive, slightly slanted style.

Bill Shuster
Member of Congress

CC: Dan Fisher, President, D.L. Martin Company